

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MARYANNE L. COWART, PATRICK
COWART, and SPENCER A. BARLOW,
minor, by his mother and next friend,
MARY ANNE COWART,

Plaintiffs,

ORDER

07-cv-410-bbc

v.

THE CITY OF EAU CLAIRE,
WISCONSIN, a governmental entity, THE
CITY OF EAU CLAIRE POLICE
DEPARTMENT, THE CITY OF EAU
CLAIRE ADMINISTRATIVE REVIEW
BOARD, JERRY MATYSIK, TRAVIS
QUELLA, BRADLEY VENAAS, LISA
ARLOSZYNSKI, NED DONNELLAN,
JENNIFER EBERT, JAMES FLORY,
DAVID OLSON, BRANDON
BUCHANAN, STEPHEN NICK,
STEPHEN BOHRER and LUCIE MCGEE,

Defendants.

On May 28, 2008, this court held a telephonic hearing on plaintiffs' motion for protection from defendants' subpoena duces tecum, dockets 115-116.¹ Both sides were represented by counsel.

For reasons stated on the record, I granted the motion and denied the motion in part. The court declines to edit the subpoena: plaintiffs must provide all requested medical releases

¹The same motion got filed and docketed twice.

so that defendants may seek relevant information from any and all treatment providers of any ilk. Plaintiffs shall provide signed releases to defendants not later than June 4, 2008, earlier if possible.

To provide peace of mind to plaintiffs, I also have ordered that all information obtained as a result of defendants' subpoena duces tecum shall be held in confidence and protected from disclosure during the discovery phase of this lawsuit, pursuant to all applicable federal and state statutes, regulations and ethical obligations on counsel. Any pretrial submission in which this information is used must be filed under seal unless leave first is obtained from the court to file it in the open record. Any use of this material at trial must be discussed and cleared by the court at the final pretrial conference.

Each side will bear its own costs on this motion.

Entered this 28th day of May, 2008.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge